

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil No. 1:12CV1349

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )  
                                  )  
TERRY S. JOHNSON, in his    )  
official capacity as ALAMANCE )  
COUNTY SHERIFF,              )  
                                  )  
Defendant.                    )



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DEPOSITION  
OF  
BOBBY RAY CULLER, JR.

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Graham, North Carolina  
September 12, 2013  
2:55 p.m.

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Reported by:  
Rebecca P. Scott

1 A. Oh, sure. From '83 to 2000, I was a trooper on  
2 the road in Alamance County. In 2000 I was  
3 promoted to line sergeant. I was sent to  
4 Wilkesboro - Wilkes County so that consisted of  
5 Wilkes, Ashe, and Alleghany Counties. Then I came  
6 back to - transferred back home to Person and  
7 Caswell County in 2001.

8 I stayed there until 2000 - when I got  
9 promoted to first sergeant in 2005 - to first  
10 sergeant - and I was placed in the Highway Patrol  
11 Armory, which was overseeing the whole firearms  
12 program for the North Carolina Highway Patrol. I  
13 stayed there for five months, and then I was - the  
14 colonel called me and asked me to work in Internal  
15 Affairs because of my record. I didn't have one.

16 So I worked in Internal Affairs for a year  
17 investigating complaints against personnel,  
18 serious allegations and nonserious allegations but  
19 complaints. After that I returned home to  
20 Alamance County as a first sergeant, and that  
21 was - I'm trying to remember what year that was.  
22 It may have been 2006 - sometime in 2006.

23 And I stayed here until 2008 and got promoted  
24 to lieutenant and sent to Hickory. I went back to  
25 the foothills again, and I stayed there for four

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1 A. We've had a few in Green Level, mostly rear-end  
2 collisions, but the data was showing that seat  
3 belt usage was not really compliant. If I'm not  
4 mistaken, the one where - there was a lot of  
5 agencies involved in the one I'm thinking about.  
6 I don't think - I don't think that we put that one  
7 on, but usually when we worked that area, that's  
8 what it's pertaining to.

9 I can't remember if I put it on or the  
10 Sheriff's Department or Haw River Police. It  
11 could have been one of us three that actually  
12 initiated the project.

13 Q. At any of the checkpoints, have you ever heard  
14 Sheriff Johnson say, "If anybody is stopped - if  
15 anybody is stopped that's Hispanic, don't write a  
16 citation. Bring them to jail"?

17 A. Do what now? Could you repeat that?

18 Q. Yes.

19 A. Okay.

20 Q. Have you ever heard Sheriff Johnson say, "If  
21 anybody is stopped that's Hispanic, don't write a  
22 citation. Bring them to jail"?

23 A. No, sir. The Highway Patrol - we operate on our  
24 own accord. We don't answer to the sheriff or the  
25 chief of police. The Highway Patrol is the

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1           Highway Patrol. We do our own actions. I've  
2           never heard Terry Johnson say anything like that  
3           pertaining to an arrest of any particular person  
4           or---

5 Q. Do you know who Roger Lloyd is?

6 A. He's a - I've known him for years. He's a deputy.  
7           He was a deputy here, I believe.

8 Q. Did he ever instruct you to arrest violators at  
9           checkpoints instead of issuing citations?

10 A. No, sir. No, sir.

11 Q. Did Roger Lloyd ever contact one of your  
12           supervisors to order you to make arrests at a  
13           checkpoint instead of writing citations?

14 A. No, sir. If it's the one I'm thinking about, I  
15           was present there. I ran my people. I supervised  
16           my personnel. If they had an issue, I dealt with  
17           it.

18 Q. And you were first sergeant?

19 A. Yes, sir.

20 Q. So there was no sergeant above you. You were  
21           the---

22 A. No, sir. I was the acting commander at that - for  
23           my agency.

24 Q. Who would you have reported to?

25 A. Would have been my lieutenant, Doug Monroe, which

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1 at the time he was in Greensboro. He didn't even  
2 know about the checkpoint, you know, because we do  
3 all these things without their permission. We  
4 make the decision to work with other agencies in  
5 checkpoints.

6 Q. Is it fair to say the first sergeant basically  
7 runs the operations of the Highway Patrol on a  
8 local level?

9 A. That's correct.

10 Q. Do you recall at any time Roger Lloyd calling you  
11 and asking you to order one of your patrolmen to  
12 arrest people for not having an operator's license  
13 instead of issuing a citation?

14 A. No, sir. He's asking me for somebody to issue a  
15 citation---

16 Q. To arrest someone---

17 A. To arrest them? No, sir.

18 Q. Do you have any idea how many checkpoints you may  
19 have worked with the Alamance County Sheriff's  
20 Department when you were assigned here?

21 A. Several. Several checkpoints. I mean, you know,  
22 if you're talking about a large group of officers  
23 involving other agencies, we had a bunch of those,  
24 especially the nighttime DWI projects during the  
25 Governor's Highway Safety Program. But, you know,

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most of the time, it was three or four officers  
doing some of these side road checks on some of  
the roads that were having issues with collisions.

4                   But, no, sir, I - I mean I think that we had  
5                   several with the departments - not just the  
6                   Sheriff's Department but Burlington Police, Graham  
7                   Police, Haw River, I mean, Gibsonville, Elon. I  
8                   mean we always worked very well with other  
9                   agencies when I was here. I'm not so sure what's  
10                  going on now, but we had a good rapport and a good  
11                  bond as far as enforcing the laws.

12 Q. When you were working with the Sheriff's  
13 Department or working at the same checkpoints, did  
14 you ever observe any sheriff's deputies racially  
15 profiling any individuals at checkpoints?

16 A. No, sir. The things that I saw were people  
17 arresting people or writing citations for  
18 violations of law. I never saw anyone make any -  
19 heard anyone make any comments or see anyone doing  
20 anything out of the ordinary. This was just an  
21 ordinary type of checkpoint for us.

22 Q. And that would have been both the smaller  
23 checkpoints you were talking about and the big  
24 multiagency checkpoints?

25 A. Yes, sir.

1 Q. Do you know Terry Johnson?

2 A. Yes, sir. I've known him since he was - he used  
3 to break the law. He would speed up and down the  
4 road when he was an SBI agent undercover going  
5 after drug dealers, and I would stop him out here  
6 when the interstate was only four lanes and there  
7 was a median crossover. And he would drive  
8 different cars all the time, and every time that  
9 I'd stop - you know, it wasn't many times - maybe  
10 three times in my 17 years.

11                   But, you know, one time he was going to  
12 Greensboro to a drug deal, you know, and he was  
13 always undercover. But that's - that's the times  
14 I remember, you know, dealing with him as far as  
15 on the SBI level, but I've known him since I've  
16 been here in Alamance County in 1983.

17 Q. Have you known Sheriff Johnson to ever racially  
18 discriminate against anyone?

19 A. No, sir. I find that - I find that offensive.

20 Q. In what way?

21 A. I just think that anyone that deals with that  
22 outside - other than dealing with the law  
23 specifically, is wrong, and I don't condone any of  
24 that.

25 Q. Have you ever known Sheriff Johnson to racially

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1 profile any individuals?

2 A. No, sir.

3 MR. KITCHEN: Give us just a second.

4 (Pause.)

5 MR. KITCHEN: Okay. We don't have any  
6 other questions.

7 MR. SONGER: Okay. Great. Mr. Culler,  
8 just a couple real quick clarifications, and  
9 then we'll get you out of here.

10 THE WITNESS: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. SONGER:

13 Q. You mentioned there seemed to be one of these big  
14 multiagency checkpoints that you worked on with  
15 the Alamance County Sheriff's Office that sort of  
16 stood out to you that you remember, is that right?

17 A. Right. Right.

18 Q. Tell me about that. What do you remember about  
19 that?

20 A. I just remember all - all the agencies were asked  
21 to do a - it's called a jurisdictional  
22 understanding, a memorandum where they all -  
23 multiagency participation memorandum for everybody  
24 to help out outside their jurisdiction, and  
25 everyone signs that memorandum. It's a memo of

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1 agreement.

2           And I can remember that there were several  
3           agencies there that day.  Elon College, Elon  
4           Police, Sheriff's Department, Gibsonville Police -  
5           I'm trying to remember them all - but, you know,  
6           Haw River Police, Burlington, Graham.  I mean we  
7           just have a great relationship here in Alamance  
8           County - or during 2008 where just everyone  
9           participated.  And that one just sticks out for me  
10           because I think everyone had somebody there from  
11           their agency.

12 Q. Do you remember who from the Sheriff's Office  
13           participated in that checkpoint?

14 A. No, sir.

15 Q. Do you remember anybody who was there  
16           specifically?

17 A. I do remember Roger Lloyd being there.  He was  
18           over the - I think he was over the Traffic Squad  
19           then because I think they had, like, two or three  
20           cars or something, but he was operational over  
21           that - in that area.

22 Q. Do you - when did you show up at that checkpoint?

23 A. I'm - normally when it starts, I'm there.

24 Q. Do you remember being there for a briefing given  
25           by Sheriff Johnson prior to the checkpoint?

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1 A. No, sir, not particularly. I usually give them  
2 out.

3 Q. When you worked checkpoints with the Sheriff's  
4 Office and other agencies, usually you just  
5 focused on supervising the Highway Patrol officers  
6 who were there?

7 A. Well, no, not specifically. I mean that's my job  
8 as far as dealing with my personnel, but if I see  
9 somebody from another agency stepping off or doing  
10 something that's questionable, I go to their  
11 supervisor, and I have had to do that here.

12 Q. You also mentioned some statistical data  
13 analysis---

14 A. Right.

15 Q. ---that you do to help locate operations?

16 A. Right.

17 Q. Do you ever share any of that analysis with the  
18 Sheriff's Office?

19 A. No, sir, not that - well, if I'm asked, but  
20 basically it's for our operations for the Highway  
21 Patrol bases because I have people to report to.  
22 I don't report to the sheriff or Roger Lloyd or  
23 anyone else. I do all my data statistics to base  
24 our operations for personnel - Highway Patrol  
25 personnel.

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